

Michelle D. Spencer, 164696
Attorney at Law
331 Soquel Ave., Suite 208
Santa Cruz, CA 95062
Tel: 831-426-9900
Fax: 831-427-0674
Attorney for Jose Alfredo Souza

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E-FILED - 12/9/05

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE ALFREDO SOUZA,

Defendant.

No: CR05-00285-RMW

**STIPULATION AND
ORDER CONTINUING CASE
AND EXCLUDING TIME UNDER
SPEEDY TRIAL ACT,
18 USC § 3161**

This matter was set on Monday, December 12, 2005 for a status hearing. Plaintiff United States of America, by and through Special Assistant United States Attorney Matthew Harris, and defendant Jose Alfredo Souza, by and through attorney Michelle D. Spencer, hereby agree and stipulate that this matter be continued from December 12, 2005 at 9:00 a.m. to January 9, 2006 at 9:00 a.m.

The parties agree and stipulate that the period of time from December 12, 2005 through and including January 9, 2006, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

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1 The parties agree that a continuance is needed for continuity of counsel and effective
2 preparation and investigation.

3 KEVIN V. RYAN
4 United States Attorney

5 Dated: December 7, 2005

/S/
6 MATTHEW HARRIS
7 Special Assistant United States Attorney

8 Dated: December 7, 2005

/S/
9 MICHELLE D. SPENCER
10 Attorney for Jose Alfredo Souza

11 ORDER

12 Based upon the foregoing, and good cause appearing therefore, the Court finds
13 pursuant to Title 18, United States Code, Section 3161(h)(8)(A), considering the factor set
14 forth therein, that the interests of justice in granting this continuance outweigh the
15 defendant's and the public's interests in a speedy trial inasmuch as the parties need
16 additional time for continuity of counsel and effective preparation and investigation.

17 IT IS HEREBY ORDERED THAT this matter be continued from December 12,
18 2005 at 9:00 a.m. to January 9, 2006 at 9:00 a.m.

19 IT IS FURTHER ORDERED that the period of time from December 12, 2005
20 through and including January 9, 2006 be excluded from the period of time within which
21 trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

22 IT IS SO ORDERED.

23 Date: 12/9/05

/S/ RONALD M. WHYTE
24 HON. RONALD M. WHYTE
25 United States District Judge
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